

FILED

UNITED STATES COURT OF APPEALS

OCT 22 2004

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA; et al.,

Petitioners,

SOUTHERN CALIFORNIA EDISON
COMPANY; et al.,

Petitioner-Intervenors,

v.

FEDERAL ENERGY REGULATORY
COMMISSION,

Respondent,

MIRANT CALIFORNIA, LLC; et al.,

Respondent-Intervenors,

and

PORTLAND GENERAL ELECTRIC
COMPANY; et al.,

Nonaligned Intervenors.

Nos. 01-71051, 01-71321, 01-71544,
01-71934, 01-71944, 02-70217,
02-70219, 02-70239, 02-70240,
02-70241, 02-70264, 02-70274,
02-70275, 02-70294, 02-70295,
02-70070, 02-70254, 02-70262,
02-70263, 02-70265, 02-70266,
02-70267, 02-70268, 02-70269,
02-70270, 02-70271, 02-70277,
02-70282, 02-70285, 02-70287,
02-70290, 02-70299, 02-70301,
02-70307, 02-70327, 02-70329,
02-70358, 02-70379, 02-70380,
02-71547, 02-71426, 02-71967,
02-72113, 02-72123, 02-72134,
02-72136, 02-72162, 02-72172,
02-72175, 02-72451, 02-72453,
02-72458, 02-72487, 02-72488,
02-72511, 02-72528, 02-72529,
02-72530, 02-72537, 02-72548,
02-72585, 02-72794, 02-72795,
02-72797, 02-72798, 03-74252,
03-74415, 03-74526, 03-74527,
03-74531, 03-74547, 03-74548,
03-74550, 03-74582, 03-74590,
03-74592, 03-74604, 03-74629,
03-74631, 03-74647, 03-74653,
03-74654, 03-74655, 03-74730,
04-70564, 04-70637, 04-70684,
04-72539, 04-73259, 04-73406,
04-73423, 04-73501, 04-73502,
04-73517, 04-73549, 04-73551,
04-73552, 04-73553, 04-72756,
03-70185, 03-70636, 04-74128,
04-72162, 04-72169, 04-72210,
04-73242, 04-73405, 04-73491,
04-74703.

ORDER

01-71051, et al.

Before: LEAVY, Circuit Judge

On November 9, 2004, at 9:30 a.m., the court will conduct a case management conference to structure the first phase of briefing in these consolidated cases, as identified in the merits panel order issued simultaneously with this order. The conference will be held at the United States Court of Appeals for the Ninth Circuit, in San Francisco, California.

The group representatives and unaligned party representatives (for case management purposes) identified at the September 21, 2004, case management conference are invited to attend this conference. The identified groups are: the Federal Energy Regulatory Commission; the California Parties; the California Generators; the Municipal Entities (including Bonneville Power Administration and the Arizona Electric Power Cooperative); the Pacific Northwest Purchasers; the Competitive Supplier Group; the Cogenerators; and the APX Group. The identified unaligned parties are Enron; City of Vernon; PacifiCorp; the California Independent System Operator; and the Salt River Project Agricultural Improvement and Power District.

Attendance is not mandatory but is encouraged for the group representatives. The unaligned parties are encouraged to align with a group for purposes of the November 9, 2004, conference.

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Representatives shall RSVP to the conference by calling the court's designated FERC telephone number, (415) 556-9909, by Wednesday, November 3, 2004.

On November 1, 2004, the court will post a proposed briefing schedule and briefing procedures to the court's website. The schedule and procedures will be discussed at the November 9, 2004, conference, with the goal of establishing a schedule that will meet the March 1, 2005, deadline set by the merits panel.

The court appreciates the informal communications received to date pertaining to the scope of the first round of briefing in these cases. However, all future filings shall conform to Federal Rule of Appellate Procedure 25(b) and the corollary Ninth Circuit Rule. Please do not submit any communications regarding the proposed briefing procedure in these cases prior to the November 9, 2004, conference.